the White House. She accused this President of sexual assault just outside the Oval Office and of lying under oath. The President's response has been to tell us only that he is ''mystified'' and ''disappointed.''

Mystified and disappointed? My thoughts exactly. I am mystified that the President has refused to account fully for his actions and disappointed that President Clinton would sacrifice the Office of the Presidency in order to promote his own personal concerns or save himself.

Back in January when the Monica Lewinsky scandal erupted, I said if the allegations were true, the President had disgraced himself and his office and should resign. I stand here this afternoon to renew my call. If Mrs. Willey's charges are true, then the President should resign.

Permit me to make three observations about Mrs. Willey's accusations or charges.

First, the Willey allegations increase the likelihood that the House will be forced to open impeachment proceedings. The Clinton-Willey conflict brings the murky details of this sordid affair into the light of open day. The President is accused of committing sexual assault and lying under oath. Mrs. Willey and the President have sworn to irreconcilable versions of the facts. These charges are serious, and they must be resolved. They cannot both be telling the truth. And America cannot walk away.

The Congress, for our part, must have the courage to do what we know to be right. The alleged conduct, if true, I believe constitutes an impeachable offense. Congress should stop looking at the polls and start looking at the Constitution, stop thinking about self-preservation and start thinking about how justice can best be served. Madam President, justice should never be denied simply because it is uncomfortable.

Second, the White House must drop the myth that the President is not distracted by the maelstrom of allegations which are surrounding him. The President has lost control of his personal legal problems. Let us dispense with the fiction that the President is able to work in ''compartments,'' all the while hacking and clubbing at Ken Starr and the officials charged with learning the truth. Instead, he has chosen to stonewall. He now stands accused of an impeachable offense by a person who was his friend, political supporter, and employee.

Here is the truth. It is not possible for the President to do his job while dealing with this tide of accusations and innuendo. No one could do the job well. And neither can he. Already, the Washington Post has reported that the President behaves like a person overtaken with anger at Kenneth Starr. Already, David Broder and other respected commentators have suggested that the growing scandal is damaging the President's ability to lead.

Finally, President Clinton's moral leadership has been destroyed. It can be regained only if he proves that these charges are false, if he clears the air here, if he makes a complete statement understanding to the American people, and assures them of his situation.

I had hoped that Bill Clinton would address these charges through a direct and candid accounting to his employers, the American people. But, yes, he did choose to stonewall. He cannot hope to regain his moral authority to lead unless he makes a full and candid accounting to the people, and he does so immediately. It is inevitable that the truth will prevail. And I would prevail on the President to account fully for his actions without further delay.

A final point. These allegations are serious. They deal with charges of perjury, obstruction of justice, and sexual assault. For Kathleen Willey's sake, conservatives ought not be rejoicing, and we ought not to be laughing. I deeply regret having joked about the Lewinsky affair in remarks that I made earlier. It was inappropriate, and I was wrong. There is nothing funny here. The allegations of Kathleen Willey make clear to all of us that there is nothing funny here. This is not comedy; this is tragedy.

Mrs. Willey's appearance last night on the CBS program ''60 Minutes'' I think exposed America to an individual who was vulnerable, who was in distress, who was in need, and trusted the President of the United States. And it is very clear that she thoroughly believes that her trust was betrayed in a substantial and significant way.

A betrayal of trust by the President of the United States is an important matter, particularly if it relates to the way in which his office is conducted, particularly if it relates to an individual who is particularly vulnerable, an employee, particularly if it relates to an incident that takes place in the context of the White House and the Oval Office. And I found her testimony to be compelling and convincing. I believe it makes, again, the clear case for the necessity of the President to explain fully his situation to the American people.

NOMINATION OF FREDERICA MASSIAH-JACKSON

Mr. ASHCROFT. Madam President, I want to take just a few minutes to speak about the nomination of Frederica Massiah-Jackson to be a U.S. district judge for the Eastern District of Pennsylvania, a nomination that was withdrawn earlier today. I think this is the right move at the wrong time. It should have been clear to the administration over a month ago when we debated this nomination on the floor that this individual was not fit to serve as a Federal judge appointed for life.

At that time, I called for the President to withdraw the nomination. And I am glad that he has finally seen fit to do so, or that the administration finally saw fit to follow that course, although the letter is really a withdrawal request from the nominee herself. I remain troubled that this individual was nominated for a lifetime appointment in the first place, and, once nominated, did not withdraw sooner.

One enduring lesson of this nomination is that it is critical for the Senate to take its constitutional advice and consent role seriously. We have heard much in recent weeks about the so-called ''vacancy crisis'' in the Federal courts and that the Senate needs to speed up its processes to give judicial nominees a quick up-or-down vote. Today's action by the administration agreeing to withdraw this nomination demonstrates the danger of worrying more about filling the courts than fulfilling our constitutional obligation to screen judicial nominees.

Last November, this nomination was on the verge of confirmation. At the end of the last session, there was a tremendous effort to rush a number of nominations, including this one, through the Senate along with others in a series of confirmations at the close of business. I resisted those efforts because I felt this nomination had serious defects that demanded complete examination in the light of day. Once this nominee's record was examined in the open, it became clear—including clear, I think, ultimately to the President—that this nominee was not fit. I also resisted those efforts because law enforcement officials in Philadelphia informed me that they were gathering additional information concerning the nominee. In the light of these concerns, I placed a hold on this nomination, and I refused to lift it despite the insistence of several.

Some would point to this as an unnecessary delay that has contributed to the so-called ''vacancy crisis.'' But we would be creating an actual crisis, not solving an imagined one, by giving individuals confirmation when they do not deserve it. We would have been creating, in my judgment, a crisis by confirming Judge Frederica Massiah-Jackson with a lifetime appointment.

The Senate has a constitutional obligation to give its advice to the President with respect to judicial nominees and, in a case like this, to withhold our consent. I take this responsibility seriously, and we must all take this responsibility seriously, in the light of the nominees the President has sent to the Senate.

This nominee demonstrates the caliber of nominee the President has sent to the Senate. Notwithstanding his elaborate vetting process and the ABA screening, this is the nominee whom President Clinton chooses for a lifetime appointment. One has to wonder about any vetting process that raises no objections to a nominee like this one. And one has to wonder what kind of evaluation process the American Bar Association conducts that it deems Massiah-Jackson ''qualified.''

But the truth of the matter is this: The Constitution does not give the Justice Department, nor does it give the

White House Counsel's Office nor the ABA, a formal screening role in judicial nominations. The Constitution entrusts that to the U.S. Senate. It is an important responsibility. And we would not be taking our constitutional responsibilities seriously if we did not scrutinize nominees, as we have done in this case ultimately.

The Senate Judiciary Committee has now had its second hearing, and in my judgment, that hearing shed little additional light on this nomination. The hearing did make it clear that Judge Massiah-Jackson was less than forthcoming in her first hearing. It is now clear—as it was last month—that her claim that she had never been reversed in a sentencing appeal is false. It also was evident that she had failed to apprise the committee of other cases in which she had been reversed on appeal.

Indeed, a number of new cases were raised at the hearing that make it even more obvious that this nomination should be rejected. Case in which child rapists were given light sentences, or where Judge Massiah-Jackson wondered aloud from the bench whether the Commonwealth should have been wasting time and prison space on a defendant who had AIDS.

But, in general, the nominee's inability to remember key details of cases that had been raised publicly over a month ago—let alone the new cases raised at the hearing—rendered the hearing pointless.

Judge Massiah-Jackson failed, in my view, to provide compelling answers to the questions raised about her record. As a consequence, it is clearly time for the Senate to stand up and be counted and reject this nomination.

Nomination fights are not pleasant, but there is a principle worth fighting for here: America deserves better than this.

This nominee is so far below the minimum quality we should expect from a Federal judge it is tragic.

The local law enforcement community is horrified that they are about to be saddled with this judge for life. They are concerned that many in Washington seem to be willing to rubber-stamp nominees, no matter how unqualified.

The thrust of the objections of local law enforcement officials—and the basis of my own opposition—are fourfold. This nominee: has shown disrespect for the court by using the English language's most offensive profanity in open court; has recklessly risked the lives of undercover police officers by disclosing their identity; demonstrated hostility to prosecutors by suppressing evidence and dismissing charges against criminals; and shown leniency to criminals in sentencing violent criminals to probation-only, and using lesser-included offenses to avoid mandatory minimum sentences.

Philadelphia District Attorney Lynne Abraham, Democrat, at great political cost, came out against the nomination in a letter to Senator ARLEN SPECTER on January 8. Her letter captures the nature of the local law enforcement community's concern. She wrote:

> This nominee's judicial service is replete with instances of demonstrated leniency towards criminals, an adversarial attitude towards police and disrespect toward prosecutors unmatched by any other present or former jurist with whom I am familiar.

The Senate cannot confirm this nominee in the face of the strong opposition of local law enforcement community. To do so would be the height of arrogance and another example of the ''Washington knows best'' mentality.

The American people deserve a better caliber of nominee. This nomination sends the wrong message to criminals, to law enforcement and to victims of crime. The Senate should vote to reject the nominee now.

CONTEMPT FOR PROSECUTORS AND POLICE OFFICERS

Example One—Commonwealth v. Ruiz.

In this case, Judge Massiah-Jackson acquitted a man accused of possessing $400,000 worth of cocaine because she did not believe testimony of two undercover police officers, Detective-Sergeant Daniel Rodriguez and Detective Terrance Jones. It was the second time she had acquitted alleged drug dealers nabbed by the same officers. The first time, the two undercover officers had testified that they found two bundles of heroin on a table right next to the defendant's hand. The judge not only refused to believe this testimony, she went one step further. As the officers were leaving the courtroom, the judge reportedly told spectators in the court: ''take a good look at these guys [the undercover officers] and be careful out there.''

Detective-Sergeant Daniel Rodriguez confirmed this outrageous courtroom incident in a signed letter to the Senate. The detective-sergeant had the following comments regarding this incident:

> I thought, ''I hope I don't ever have to make buys from anyone in this courtroom.'' They would know me, but I wouldn't know them. What the judge said jeopardized our ability to make buys. And it put us in physical danger.

Detective Terrance Jones, the other undercover officer ''outed'' by Judge Massiah-Jackson in open court, also confirmed the facts in a signed statement to committee staff. He stated that the comments ''jeopardized our lives.'' Detective Jones also notes:

> [A]s a law enforcement officer who happens to be African-American I am appalled that self interest groups and the media are trying to make the Massiah-Jackson controversy into a racial issue. This is not about race, this is about the best candidate for the position of federal judge.

Example Two: Commonwealth v. Hicks, (6/12/87.)

In this case, in an action that led to a reversal by the appellate court, Judge Massiah-Jackson dismissed charges against defendant on her own motion.

Although the prosecution was prepared to proceed, the defense was not ready because it was missing a witness—a police officer who was scheduled to testify for the defense apparently had not received the subpoena. The defense requested a continuance to clear up the mix-up concerning the subpoena. The Commonwealth stated that it had issued the subpoena. The defense did not allege any wrongdoing or failure to act on the part of the Commonwealth. Nonetheless, without any evidence or prompting from defense counsel, Judge Massiah-Jackson decided she simply did not believe that the Commonwealth's attorney subpoenaed the necessary witness.

Judge Massiah-Jackson held the Commonwealth liable for the defense's unpreparedness and, on its own motion, dismissed the case.

As it turned out, the subpoena had been issued but the officer was on vacation and had not received it.

Judge Massiah-Jackson's decision was reversed on appeal as an abuse of discretion. The appellate court concluded that:

> Having carefully reviewed the record, we are unable to determine the basis for the trial court's decision to discharge the defendant. Indeed the trial court was unable to justify its decision by citation to rule or law.

JUDICAL TEMPERAMENT

Example One: Commonwealth v. Hannibal, 6/25/85.

In court, in response to prosecutor's attempt to be afforded an opportunity to be heard, the following exchange took place on the record:

> The COURT: Please keep quiet, Ms. McDermott.
>
> Ms. MCDERMOTT for the Commonwealth: Will I be afforded——
>
> The COURT: Ms. McDermott, will you shut your f***ing mouth.—Transcript of June 25, 1985 at 17.

Judge Massiah-Jackson was formally admonished by the Judicial Inquiry and Review Board for using intemperate language in the courtroom.

Example Two: Commonwealth v. Burgos & Commonwealth v. Rivera, 12/87.

During a sentencing proceeding the prosecutor told Judge Massiah-Jackson that she had forgotten to inform one of the defendants of the consequences of failing to file a timely appeal. Such a failure would prejudice the Commonwealth on appeal. Judge Massiah-Jackson responded to this legal argument with profanity, stating: ''I don't give a s**t.''

District Attorney Morganelli, of Northampton County, Pennsylvania, has suggested that the reason there are not more instances of foul language on the record is that Judge Massiah-Jackson's principal court reporter routinely ''sanitized the record.''

It does not appear to be a coincidence that both of these profane outbursts were directed at prosecutors. Instead, Judge Massiah-Jackson's foul language appears to be part and parcel of her hostility to law enforcement.

LENIENCY IN SENTENCING

Example one: Commonwealth v. Richard Johnson, 1988.

This case was one of the relatively few cases before Judge Massiah-Jackson where the defendant chose a jury trial over a bench trial. What transpired in this case will give you a sense of why defendants before Judge Massiah-Jackson would choose a bench trial.

In this case, the jury convicted the defendant of raping a ten-year-old boy. The verdict carried with it a minimum sentence of five years.

Judge Massiah-Jackson admitted in court to crying when she heard the verdict because she said she though that the resulting minimum sentence was too harsh. She said:

> In this case I'll be frank. If I had had the trial and if it was not a mandatory, I would not have imposed the five to ten year sentence because I just don't think the five to ten years is appropriate in this case even assuming that you were found guilty.

Judge Massiah-Jackson had discretion to impose a sentence at least twice the mandatory minimum for this heinous crime; instead, she cried at the thought of sending the child-rapist to jail at all.

Unfortunately, Judge Massiah's compassion did not extend to the young victim.

The judge refused to hear a victim impact statement. She asked the prosecutor, ''What would be the purpose of that? . . . [W]e know what the sentence is . . .''

The prosecutor stated, ''[U]pon reading about the impact on this victim, you may want to consider more than the five year mandatory minimum.''

Judge Massiah-Jackson replied, ''Why would it be important? There's a mandatory minimum of five years. Have a seat.''

Having apparently decided already that she was not going to use her discretion to give the defendant more than the mandatory minimum, Judge Massiah-Jackson prevented evidence of the crime's impact on the young victim from being introduced.

Example two: Commonwealth v. Nesmith, 1994.

The defendant had a criminal history of 3 prior juvenile arrests and 1 adjudication and 19 prior adult arrests, 8 convictions, 3 commitments, 3 parole violations and 2 parole revocations. He was tried and convicted of striking a pedestrian with his car, leaving her seriously injured—broken legs, pelvis and 4 bones of the back—by the side of the road, fleeing the scene of the crime and then beating into unconsciousness one of the women's relatives who tried to thwart his escape.

The defendant committed these crimes while on parole, having just been released from prison for an assault conviction. Over the Commonwealth's strenuous objection, Judge Massiah-Jackson sentenced him to two year's probation—well below the bottom of even the mitigated sentencing range. Judge Massiah-Jackson, however, explained that the defendant's actions were ''not really criminal. He had merely been involved in a car accident.''

Example three: Commonwealth v. Freeman.

Defendant shot and wounded a Mr. Fuller in the chest because Mr. Fuller had laughed at him. Judge Massiah-Jackson convicted the defendant of misdemeanor instead of felony aggravated assault. She sentenced him to two to twenty-three months and then immediately paroled him so that he did not have to serve jail time. The felony charge would have had a mandatory five to ten year prison term. Judge Massiah-Jackson explained her decision, stating that ''the victim had been drinking before being shot and that [defendant] had not been involved in any other crime since the incident.''

Example four: Commonwealth v. Burgos.

During a raid on the defendant's house, police seized more than 2 pounds of cocaine along with evidence that the house was a distribution center. The defendant, Mouin Burgos, was convicted. Judge Massiah-Jackson sentenced defendant only to one year's probation.

Then-District Attorney Ronald Castille (R) criticized Judge Massiah-Jackson's sentence as ''defying logic'' and being ''totally bizarre.'' He commented:

> This judge just sits in her ivory tower . . . She ought to walk along the streets some night and get a dose of what is really going on out there. She should have sentenced these people to what they deserve.

Example five: Commonwealth v. Williams.

I would like to provide just one more example of Judge Massiah-Jackson's leniency in sentencing—an example that I think is also relevant to whether we should have another hearing on this nominee.

In this case, Commonwealth v. Williams, the defendant robbed a 47-year old woman on the street at the point of a razor. The defendant used the razor to slash the woman's neck and arms, and then took her purse. The victim had to undergo surgery to repair the slashed tendons in her hand, and was forced to wear a splintering device that pulled her thumb back to her wrist. The defendant plead guilty to first-degree robbery. Under the Pennsylvania sentencing guidelines, that offense carries a range of 4 to 7 years, with a mitigated range of 3¼ to 5 years. Despite these sentencing ranges, Judge Massiah-Jackson sentenced defendant to a mere 11½ to 23 months. In order to do so, Judge Massiah-Jackson not only had to deviate substantially below the guidelines range, but also had to ignore a mandatory weapons enhancement that raises the minimum sentence 1 to 2 years.

The Commonwealth appealed this meager sentence and Judge Massiah-Jackson was reversed for her sentencing errors.

This decision is important not only because it demonstrates her leniency in sentencing, but also because of what it says about the equity of giving Ms. Massiah-Jackson an additional hearing. We have heard a lot about Judge Massiah-Jackson's right to be heard and have been given the impression that she has been the victim of sandbagging by her opponents. It is true that there is information that was not available at the time of the Committee's hearing. This sentencing case, for example, was not addressed at the hearing. But that is no one's fault but Judge Massiah-Jackson's. The committee's standard questionnaire asks every candidate to list any judicial decisions which were reversed on appeal. Judge Massiah-Jackson failed to list this case, and indeed testified that she had never been reversed on a sentencing appeal.

I point this out to make clear that this is not just a simple matter of giving someone a right to confront new allegations. It strikes me that we are creating a troubling precedent by affording nominees a second hearing, at least in part, to explain materials that were requested prior to the first hearing.

LENIENCY IN SUPPRESSING EVIDENCE

Commonwealth v. Smith.

Judge Massiah-Jackson has also demonstrated leniency in improperly suppressing evidence. The case that perhaps most dramatically illustrates this point is Commonwealth v. Smith, a case discussed by the Chairman of the Judiciary Committee on the floor yesterday.

In this tragic case, the victim, a 13-year-old boy, was raped at knife point in some bushes near a hospital. Eventually, the young boy managed to run away from his assailant, nude and bleeding. Two nurses at the hospital saw him, and he told them what had happened, pointing out the bushes where he was attacked. The two nurses called the hospital security guards. They saw the defendant emerge from the bushes with his clothing disheveled, and then saw him walk quickly away. The women yelled out for the man to stop, and the police arrived on the scene and apprehended the defendant. The defendant denied raping the boy, but the police searched him and found a knife matching the description of that used in the rape. At that point the police arrested the defendant. Shockingly, Judge Massiah-Jackson ruled that the police lacked probable cause to arrest the defendant, and suppressed all the evidence including the identification of the defendant by the two nurses.

Not surprisingly, the appellate court, when confronted with this dubious judgment, reversed Judge Massiah-Jackson.

It has been pointed out that, after remand to the trial court, the defendant was acquitted in a trial before a different judge. But what seems to have received less attention is that all this

occurred after Judge Massiah-Jackson was reversed by the appellate court. Unlike the second judge, who conducted a full trial, Judge Massiah-Jackson threw out evidence on the ground that the police lacked even probable cause to arrest the defendant—despite his proximity to the crime scene and the victim. It is, of course one thing to acquit someone after a trial, but the notion that the police officers did not even have probable cause to arrest the defendant is just shocking. And the appellate court agreed.

OPPOSITION FROM POLICE ORGANIZATIONS

Philadelphia F.O.P.

The Philadelphia Lodge of the Fraternal Order of Police announced its opposition to the confirmation of Massiah-Jackson on January 13. And just yesterday I had the privilege of attending a press conference in which Philadelphia F.O.P. President Richard Costello made his opposition to this nominee unmistakably clear.

National F.O.P.

The national Fraternal Order of Police announced its opposition on January 20th. In coming out against this nominee, National F.O.P. President Gilbert Gallegos stated, ''Judge Massiah-Jackson has no business sitting on any bench, let alone a Federal bench.'' After describing the incident in which Judge Massiah-Jackson pointed out undercover police officers in open court, Mr. Gallegos stated, ''I cannot adequately express my outrage.'' The National F.O.P. President concluded that: ''To confirm Judge Massiah-Jackson would be an affront to every law enforcement officer and prosecutor in the nation, all of whom have the herculean task of fighting crime. We shouldn't have to have [both] the judges and criminals against us.''

National Association of Police Organizations.

The National Association of Police Organizations announced its opposition on January 22.

OPPOSITION FROM LOCAL LAW ENFORCEMENT

Lynne Abraham, D.A., Philadelphia.

Philadelphia District Attorney Lynne Abraham, a Democrat, at great political cost, came out against the nomination in a letter to Senator ARLEN SPECTER on January 8. She wrote:

My position on this nominee goes well beyond mere differences of opinion, or judicial philosophy. Instead, this nominee's record presents multiple instances of deeply ingrained and pervasive bias against prosecutors and law enforcement officers—and, by extension, an insensitivity to victims of crime. Moreover, the nominee's judicial demeanor and courtroom conduct, in my judgment, undermines respect for the rule of law and, instead, tends to bring the law into disrepute.

This nominee's judicial service is replete with instances of demonstrated leniency towards criminals, an adversarial attitude towards policy and disrespect toward prosecutors unmatched by any other present or former jurist with whom I am familiar.

John Morganelli, D.A., Northampton County.

Northampton County District Attorney John Morganelli, a Democrat announced his all-out opposition to the nomination on January 6, 1998.

Mr. Morganelli provided members of the Committee with a letter detailing the numerous incidents of unprofessional conduct that have marked Judge Massiah-Jackson's tenure on the state trial bench. The concluding paragraphs of that letter are worth quoting at length:

[Judge Massiah-Jackson's] record is one of an unusually adversarial attitude towards the prosecution and police. Much [in her record indicates] personal animosity towards prosecutors and police in general. Other portions of her record indicate a tendency to be lenient with respect to criminal defendants.

This judge sat as a fact finder in the vast majority of her cases because criminal defendants almost always felt it advantageous to waive their right to a jury trial in order to present their case directly to the judge. . . . In addition, she has shown a lack of judicial temperament with respect to vulgar language from the bench on the record and much of it off the record. Also, as indicated above, Judge Massiah-Jackson has attempted to meddle with the appellate process in Pennsylvania by contacting appellate courts and improperly attempting to influence appellate decisions. Her comments, conduct, record and lack of judicial temperament by itself should call into question her stature to serve as a Federal Judge.

Numerous District Attorneys and police organizations in the Commonwealth of Pennsylvania oppose this nomination as a slap in the face to the law enforcement community.

Executive Committee, Pennsylvania District Attorneys' Association.

The Executive Committee of the Pennsylvania District Attorneys' Association, in a unanimous vote, officially opposed the nomination on January 8. The President of the Association wrote a letter on January 26th expressing the Association's opposition.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JUDGE FREDERICA MASSIAH-JACKSON

Mr. SPECTER. Madam President, I have sought recognition to comment on the nomination of Judge Frederica Massiah-Jackson for the U.S. District Court for the Eastern District of Pennsylvania, and that nomination having been withdrawn this afternoon at the request of Judge Massiah-Jackson. I appreciate and understand the reasons leading to her withdrawal.

I commend Judge Massiah-Jackson for her tenacity and courage and for completing the record on all the new questions which were unexpectedly raised at last week's hearing, on Wednesday, March 11. At the outset, I want to thank our distinguished majority leader, Senator LOTT, for his courtesies on this matter and to thank my distinguished colleague, Senator SANTORUM, for his strenuous efforts in seeking the second hearing for Judge Massiah-Jackson in an effort to try to do the fair thing with Judge Massiah-Jackson.

I think it is important to future nominations to face up to exactly what happened in this matter to prevent a recurrence and to improve the system for the future. In my judgment, Judge Massiah-Jackson was unfairly treated by her opponents, and in my judgment, Judge Massiah-Jackson was unfairly treated by the Senate Judiciary Committee.

I believe it is important to find out about nominees who are submitted for the Federal bench because that is a very, very important appointment having lifetime tenure. I believe the law is the highest calling and that the courts have been established to adjudicate disputes between the government and the government's citizens and between people and among parties. I have spent my entire adult life as a lawyer, and I consider it a high calling. There are many of those attributes which are important in the course of working as a U.S. Senator, especially on the Judiciary Committee.

In my judgment, Judge Massiah-Jackson's opponents dealt with her unfairly at the outset by seeking to kill her nomination anonymously. If anyone had anything to say about Judge Massiah-Jackson, I believe they should have come forward and should have come forward at an early date. She was nominated for the judgeship on July 31, but it was not until almost 6 months later that her opponents came forward, after there had been two hearings and after the Senate Judiciary Committee had approved her nomination by a vote of 12–6.

When those anonymous complaints were filed—which led some people to say that she was soft on crime, and I thought without any basis to do so from those anonymous complaints—Senator SANTORUM and Senator BIDEN and I held an unusual field hearing in Philadelphia on October 3, and we invited people to come forward. We specifically invited some who later turned out to be among her most vocal critics. But no one came forward at that time. Instead, we had a group of judges who had served with her—I believe five in number—who said she was well within the mainstream. We had representatives of the distinguished mayor of Philadelphia, Edward Rendell, himself a former district attorney. Mayor Rendell said publicly and expressed to me privately, ''Stick with the public record; Judge Massiah-Jackson was an excellent nominee for the district court.'' Mayor Rendell said she had been appealed very little with respect to sentencing, that she had a very, very good record. While Mayor Rendell could not be present at the October 3